IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Bail Appl..No. 6377 of 2007()

CRIME NO.675/07 OF KOCHI KASBA POLICE STATION

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: PETITIONER/IST ACCUSED

NEENA K.S., AGED 47 YEARS,
W/O.K.N.SURESH, KANJANGATTU HOUSE,
H.NO.CC/19/1376 A, NELSON MANDELA ROAD,
PALLURUTHI P.O., COCHIN-6.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
(CRIME NO.675 OF 2007
OF KOCHU CUSBA POLICE STATION).

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6377 of 2007

Dated this the 22nd day of October, 2007

ORDER

Application for anticipatory bail. The petitioner, a woman, is the 1st accused. A business partner of hers is the 2nd accused. Her husband is the defacto complainant. Crime is registered for offences punishable, inter alia, under Sections 420 and 497 I.P.C. The defacto complainant was admittedly employed abroad. It is his case that the amounts sent by him while he was employed abroad have been misutilised. He has been cheated. The crime was registered on the basis of a private complaint filed by the defacto complainant-the husband, after he returned from his place of employment abroad. He has a further grievance that accused 1 and 2 are sharing an adulterous relationship also. Investigation is in progress.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be granted anticipatory bail. I take note of the submission of the learned Public Prosecutor that the investigation so far has not helped the police to arrive at any conclusion of guilty against the petitioner. Appropriate conditions can of course be imposed.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 29.10.2007. She shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make herself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 30.10.2007 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 29.10.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 29.10.07.

(R.BASANT, JUDGE)

rtr/-